

SERVICE DATE - APRIL 30, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 126X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN JEFFERSON COUNTY, WI

Decided: April 26, 2002

On November 5, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the City of Fort Atkinson (City) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for the 2.0-mile line of railroad on the Clyman Branch from the end of the line at milepost 110.0 to milepost 112.0 near Fort Atkinson, in Jefferson County, WI. The negotiation period was extended several times; the latest extension was scheduled to expire on April 21, 2002.¹

On April 19, 2002, the Wisconsin Department of Transportation (WisDOT), on behalf of the City, filed a request for an additional 180-day extension of the negotiating period. WisDOT states that it has a new appraisal and negotiations are continuing in good faith, but more time is needed to complete negotiations. UP agreed to the extension request.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU period may be extended.² WISDOT has explained that more time is needed to complete negotiations. Accordingly, the NITU negotiating period will be extended for 180 days from April 21, 2002 (until October 18, 2002).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The NITU negotiating period is extended until October 18, 2002.

¹ The negotiation period under the NITU was extended by decision served April 30, 1999, October 21, 1999, July 3, 2000, October 18, 2000, April 24, 2001, and October 30, 2001.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary